

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BILL GENE EGBERT and)	
REBECCA ANN EGBERT,)	
)	CAUSE NO. <u>2:23-cv-00023</u>
Plaintiffs,)	
)	
v.)	
)	
BWXT NUCLEAR OPERATIONS GROUP, INC.,)	
)	
Defendant.)	

COMPLAINT FOR DAMAGES AND JURY DEMAND

Come now Plaintiffs, BILL GENE EGBERT and REBECCA ANN EGBERT, husband and wife, by and through their attorney, Timothy F. Devereux of Wagner Reese, LLP, and for their *Complaint for Damages and Jury Demand* against Defendant, BWXT NUCLEAR OPERATIONS GROUP, INC., allege and state as follows:

JURISDICTION

1. At all times relevant hereto, Plaintiffs, BILL GENE EGBERT (“BILLY”) and REBECCA ANN EGBERT (“REBECCA”), husband and wife, were residents and domicilaries of Barnard, Missouri.

2. At all times relevant hereto, Defendant, BWXT NUCLEAR OPERATIONS GROUP, INC. (“BWXT”), was a for-profit corporation with its principal place of business located at 2016 Mount Athos Road, Lynchburg, VA 24504, registered to do business in the State of Indiana, and engaged in the business of producing components for nuclear reactors for the U.S. government.

3. The events which give rise to the injuries that form the basis of this litigation occurred when BILLY slipped and fell into a chip conveyor pit at the BWXT facility located at 1400 Old Highway 69 South, Mount Vernon, IN 47620.

4. The amount in controversy exceeds \$75,000.00, exclusive of interest and cost.

5. This Court has jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332. Venue is proper under 28 U.S.C. § 1391.

CLAIMS FOR RELIEF

6. At all relevant times, BWXT contracted with Fives Machining Systems, Inc. to rebuild and install new software in a large metal cutting machine (horizontal boring machine) (hereinafter referred to as the “PROJECT”) located at 1400 Old Highway 69 South, Mount Vernon, IN 47620 (hereinafter referred to as the “PREMISES”).

7. On June 15, 2022, Plaintiff, Bill Gene Egbert (“BILLY”), was in the course and scope of his employment with Fives Machining Systems, Inc. (hereinafter “FIVES”) as a field Service Engineer, and was performing work on the PREMISES.

8. While on the PREMISES, BILLY was engaged in work activities which were inherently dangerous and which were likely to cause injury unless due precautions were taken.

9. On or about June 15, 2022, BILLY was working on the PREMISES when he slipped and fell on an oily surface causing him to fall into a chip conveyor pit causing severe injuries.

10. At the time of the subject accident on June 15, 2022, the Defendant had removed the 3-foot scaffolding that would have provided BILLY a safe walkway to access the area where he needed to work thereby putting BILLY in an unsafe position.

COUNT I

A. Negligence Claim against Defendant, BWXT

11. Plaintiffs incorporate by reference paragraphs 1 through 10 of Plaintiffs' *Complaint for Damages* as if fully set forth herein.

12. As the owner on the PROJECT, BWXT had a duty, including but not limited to a non-delegable duty, to workers on the site including BILLY and it was negligent in failing to provide BILLY a safe work site; in failing to establish and implement a safety protocol; in failing to inspect the work site for hazards, dangers and safety code violations; and in failing to correct hazards, dangers and safety code violations existing on PREMISES.

13. As a direct and proximate result of BWXT's negligence BILLY has suffered severe and permanent injuries, has incurred hospital, medical and prescription expenses; has suffered physical and emotional pain; has missed opportunities to enjoy life; has lost wages; has suffered a loss of earning capacity; and will continue to incur such losses and damages in the future.

WHEREFORE, the Plaintiffs pray for judgment against BWXT in an amount which will reasonably and fairly compensate them for: (1) all the losses and damages they have incurred to date and will incur in the future, (2) the cost of this action, (3) trial by jury, and (4) all other relief just and proper in the premises.

COUNT II

Comes now Plaintiff, REBECCA ANN EGBERT, by counsel, and for her claim for relief against the Defendant, alleges and states:

14. Plaintiff REBECCA incorporates by reference paragraphs 1 through 13 of Plaintiffs' *Complaint for Damages* as if fully set forth herein.

15. At all relevant times, she was and is the wife of BILLY.

16. As a direct and proximate result of the Defendant's negligence, she has suffered the loss of her husband's companionship, society, services and affections, has lost wages and incurred other monetary losses.

WHEREFORE, Plaintiff, REBECCA ANN EGBERT, by counsel, prays for judgment against the Defendant: (1) in an amount which will fully and reasonably compensate her for her damages, (2) for the cost of this action, (3) for trial by jury, and (4) for all other relief just and proper in the premises.

Respectfully submitted,

WAGNER REESE, LLP

/s/ Timothy F. Devereux, Esq.

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JURY DEMAND

Come now the Plaintiffs, BILL GENE EGBERT and REBECCA ANN EGBERT, by counsel, and hereby demand trial by jury against the Defendant on all issues set forth in this cause of action.

Respectfully submitted,

WAGNER REESE, LLP

/s/ Timothy F. Devereux, Esq.

Timothy F. Devereux, #25250-49

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